

**REMARKS****I. General**

Claims 1, 2, and 4-25 were pending in the present application. The current Final Office Action (mailed April 4, 2005) rejects claims 1, 2, 4-6, and 8-13. Applicant notes with appreciation the indication of claims 7 and 14-25 as reciting allowable subject matter, as well as the indication that claim 1 would be allowable if amended to have matter currently recited in its preamble moved to the body of the claim. The outstanding issues raised in the current Office Action are:

- Claims 1-2, 4-6, 8-10, 12, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,330,606 issued to Logue et al. (hereinafter "*Logue*"); and

- Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Logue* in view of U.S. Patent No. 5,774,660 issued to Brendel et al. (hereinafter "*Brendel*").

In response, Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

**II. Amendment**

Claim 1 is amended herein to merely move the recitation of certain matter from its preamble to the body of the claim. Thus, no new matter is added by this amendment.

**III. Rejections Under 35 U.S.C. § 102**

Claims 1-2, 4-6, 8-10, 12, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Logue*. To anticipate a claim under 35 U.S.C. § 102, a single reference must teach every element of the claim, *see* M.P.E.P. § 2131. As discussed further below, Applicant respectfully submits that *Logue* fails to teach each and every element of claims 1-2, 4-6, 8-10, 12, and 13.

### Independent Claim 1

The Final Office Action (on page 7 thereof) informs Applicant that if “the applicant amends claim 1 to include the previously amended section into the body of claim 1, the claim will be in condition for allowance.” As explained above, claim 1 is so amended herein. Thus, claim 1 is in condition for allowance.

### Independent Claim 8

As to independent claim 8, it recites in part “b) provided said request is for a core file, processing said request at said first node irrespective of which of the nodes is the first node that received the request”. In other words, irrespective of which of the plurality of nodes receives the request, if the request is for a core file the receiving node processes such request (rather than forwarding the request to another one of the nodes for processing).

As explained in Applicant’s previous response, *Logue* fails to teach at least the above-identified element of claim 8. *Logue* teaches a system in which “mutually exclusive portions of the Web’s content can be allocated to particular proxy servers”. Col. 2, lines 18-20. In such a mutually exclusive system, a node receiving the request for a file only processes the request in the event that such receiving node is the node that is exclusively assigned the requested file. *Logue* does not teach that certain “core” files are stored locally to each of the plurality of nodes such that any node receiving a request for a core file (i.e., irrespective of which node is the receiving node) processes such request. In *Logue*, there is no designation of “core” files that are to be stored locally to each of the plurality of nodes, and therefore *Logue* fails to teach at least this element of claim 8. Accordingly, claim 8 is not anticipated under 35 U.S.C. § 102 by *Logue*.

### Dependent Claims

In view of the above, Applicant respectfully submits that independent claims 1 and 8 are not anticipated under 35 U.S.C. § 102 over *Logue*. Further, each of dependent claims 2, 4-6, 9-10, 12, and 13 depend either directly or indirectly from one of independent claims 1 and 8, and thus inherit all limitations of the respective independent claim from which they depend. It is respectfully submitted that dependent claims 2, 4-6, 9-10, 12, and 13 are

allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of the respective base claim from which they depend).

#### IV. Rejections Under 35 U.S.C. § 103

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Logue* in view of *Brendel*. Claim 11 depends indirectly from independent claim 8, and as discussed above claim 8 is believed to be of patentable merit. Therefore, claim 11 is believed to be allowable at least based on its dependency from claim 8.

#### V. Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. No. 08-2025, under Order No. 10006757-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482710098US in an envelope addressed to: Mail Stop AF, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: June 3, 2005

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